

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,	:	CASE NO: 3:12CR047
Plaintiff,	:	JUDGE TIMOTHY S. BLACK
v.	:	
TIMOTHY MOOTY,	:	
Defendant.	:	

**FINAL ORDER OF FORFEITURE
OF DEFENDANT TIMOTHY MOOTY'S ASSETS**

WHEREAS, on June 12, 2012, this Court entered a Preliminary Order of Forfeiture, (Doc. 31) ordering the forfeiture pursuant to 21 U.S.C. § 853(a)(1) and (2) and/or 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), of the following properties:

- a. \$22,591.00 U.S. Currency;
- b. Springfield Armory model XD-40, .40 cal. pistol, SN:XD448512, with eight (8) Speer .40 Smith and Wesson cartridges; and
- c. Browning model Baby Browning, .25 cal. pistol, SN:282516¹;

WHEREAS, the United States published notice of this forfeiture action and the intent of the United States to dispose of the property in accordance with law, and further notified all parties of their right to petition the Court for a hearing to adjudicate the validity of their alleged interest in the property, beginning on August 15, 2012 and continuing for at least thirty (30) consecutive days, on the www.forfeiture.gov website; and

¹ The serial number to this firearm was previously identified as 252516. However, it has been verified that the correct serial number is 282516.

WHEREAS, the United States did not send direct written notice of the Preliminary Order of Forfeiture because there was no person who reasonably appeared to be a potential claimant with standing to contest the forfeiture of the property in an ancillary proceeding; and

WHEREAS, no timely petition has been filed to the property listed above; and

WHEREAS, the Defendant was sentenced and a Judgment was filed on August 3, 2012 (Doc. 33) and that Judgment ordered the forfeiture of the above-referenced property; and

WHEREAS, the Court finds that defendant had an interest in the property; the United States has established the requisite nexus between the property and the offense; and the United States has established that the property is subject to forfeiture pursuant to 21 U.S.C. § 853(a)(1) and (2) and/or 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c);

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Preliminary Order of Forfeiture entered in this action on June 12, 2012 (Doc. 31), ordering the forfeiture pursuant to 21 U.S.C. § 853(a)(1) and (2) of the following property:

a. \$22,591.00 U.S. Currency;

b. Springfield Armory model XD-40, .40 cal. pistol, SN:XD448512, with eight (8) Speer .40 Smith and Wesson cartridges; and

c. Browning model Baby Browning, .25 cal. pistol, SN:282516;

and ordering the forfeiture pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c) of the following property:

a. Springfield Armory model XD-40, .40 cal. pistol, SN:XD448512, with eight (8) Speer .40 Smith and Wesson cartridges; and

b. Browning model Baby Browning, .25 cal. pistol, SN:282516;

is final; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all right, title and interest to the property described above is hereby condemned, forfeited and vested in the United States of America and the United States has clear title to the property; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the custodian of the property is hereby authorized to dispose of the property in accordance with the law; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the United States District Court shall retain jurisdiction in the case for the purpose of enforcing this Final Order of Forfeiture.

SO ORDERED:

Dated: 3/11/2013

s/ Timothy S. Black
TIMOTHY S. BLACK
UNITED STATES DISTRICT JUDGE